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Patent
Attorney Docket No. GEMS8081.091

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Boskamp, Eddy B.
Serial No. : 10/063,550
Filed : May 2, 2002
For : Wireless RF Module For An MR Imaging System
Group Art No. : 3737
Examiner : Lin, J.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

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Date: December 1, 2005

Jessica A. Calaway
signature

Assistant Commissioner for Patents
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RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Dear Sir:

Responsive to the Notification of Non-Compliant Appeal Brief mailed November 2, 2005, Applicant requests consideration of the following remarks.

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REMARKS

In the Notification of Non-Compliant Appeal Brief mailed November 2, 2005, the Examiner indicated that the "Appcal Brief is defective based on argument pertaining to not-entered after final amendment." NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF, November 2, 2005, p. 2, ¶10. However, Applicant believes that the Appeal Brief filed on August 23, 2005 is compliant with 37 CFR §41.37.

Specifically, in a Telephone Interview on August 17, 2005, the Examiner indicated to the undersigned that the amendments of the After-Final Amendment/Response to Office Action mailed February 23, 2005 (and represented in the Response to Advisory Action mailed May 19, 2005 and Request for Reconsideration) could not be entered because of informalities with respect to claims 5, 19, and 25. Accordingly, in the August 17, 2005 Telephone Interview, the undersigned asked the Examiner whether there would be any issues regarding the entering of amendments to overcome the objected-to informalities and place the application in condition for appeal. Additionally, in the Telephone Interview, the undersigned verbally conveyed the proposed amendments to the Examiner. The Examiner stated that there would not be any issue with respect to the entry of the proposed amendments and acknowledged that the amendments would overcome the informalities and place the application in condition for appeal. As such, Applicant filed the After-Final Amendment of August 17, 2005 amending the claims as proposed to the Examiner to address the informalities raised by the Examiner and place the application in condition for appeal.

Therefore, Applicant believed at the time of the filing the Appeal Brief on August 23, 2005 that the After-Final Amendment filed August 17, 2005 was/would be entered as reflecting amendments agreed upon by the Examiner in the Telephone Interview of August 17, 2005 to

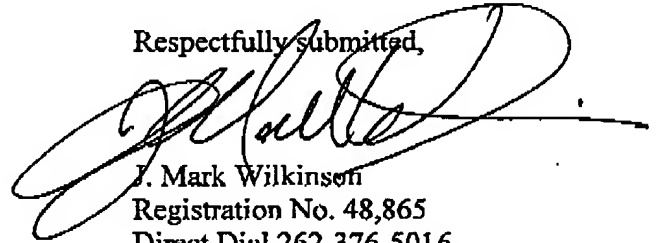
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place the application in condition for appeal. As such, it is believed that the claims, as they were presented in the Appeal Brief filed August 23, 2005, reflect the language of the claims as now pending. As it now appears that the After-Final Amendment filed August 17, 2005 has not been entered, Applicant hereby requests its entry. In addition to memorializing an agreement with the Examiner, the Amendments complied with 37 C.F.R. §1.116.

Applicant cordially invites the Examiner to contact the undersigned with any questions regarding this matter.

Respectfully submitted,



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Dated: December 1, 2005
Attorney Docket No.: GEMS8081.091

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